

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

OCEANUS PERRY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:08-cv-911

CRIM. NO. 2:02-cr-159

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge E.A. Preston Deavers

OPINION AND ORDER

On December 21, 2010, the Magistrate Judge issued a *Report and Recommendation* recommending that Petitioner's motion to amend his § 2255 petition be denied, with the exception of his request to amend the language of habeas corpus claim five, and that this action be dismissed. Doc. 91. Petitioner has filed objections and supplemental objections to the Magistrate Judge's *Report and Recommendation*. Docs. 95, 98. For the reasons that follow, Petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.


Petitioner objects to the Magistrate Judge's recommendation that his request to amend the Petition with new claims be denied. He argues that amendment of these claims is appropriate under *Mayle v. Felix*, 545 U.S. 644, 649 (2005). Petitioner again argues at length that he was denied effective assistance of counsel at trial, and on appeal. He objects to all of the Magistrate Judge's recommendations, and again raises all of the same arguments he previously presented.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. To the extent that Petitioner attempts to raise new claims not contained in his initial and timely filed habeas corpus

petition, these claims are not properly before the Court and will not be considered here. For the reasons detailed by the Magistrate Judge, this Court agrees that Petitioner's request to amend the Petition, with the exception of altering the language of habeas corpus claim five, is time-barred. Further, after careful consideration of the entire record, and for reasons already detailed by the Magistrate Judge, this Court likewise concludes that the record fails to reflect any basis for habeas corpus relief.

**WHEREUPON** Petitioner's objections and supplemental objections (Docs. 95, 98) are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED**.

**IT IS SO ORDERED.**

  
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EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE  
3-3-2011